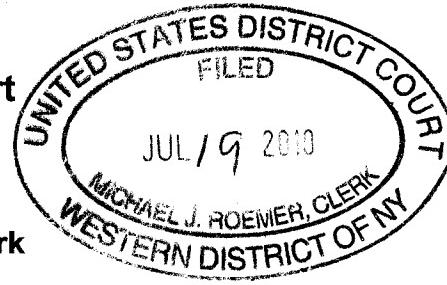


United States District Court

for

The Western District of New York



**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: David Garlock**Case Number:** 1:08M00040-005**Name of Sentencing Judicial Officer:** H. Kenneth Schroeder, Jr., U.S. Magistrate Judge**Date of Original Sentence:** 8/26/2009**Original Offense:** Possession of Cocaine; in violation of Title 18, U.S.C. § 844(a).

Original Sentence: The defendant was sentenced to two (2) years probation with special conditions including: drug/alcohol testing and treatment, search, \$1000 fine and financial disclosure.

Type of Supervision: Probation**Date Supervision Commenced:** 8/26/2009

PETITIONING THE COURT

To extend the term of supervision for _ years, for a total term of _ years.

To modify the conditions of supervision as follows:

You shall comply with the conditions of home detention, which will be monitored by an electronic monitoring system, for a period of ninety (90) days. You shall wear (an) electronic monitoring device(s) and follow monitoring procedures specified by your probation officer as outlined in Probation Form 61. You shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

CAUSE

The subject was arrested by the Niagara County Sheriff's Department on 6/23/2010 at 2:00 a.m. and charged with Driving While Intoxicated, in violation of New York State Vehicle and Traffic Law; Section 1192.03, an Unclassified Misdemeanor. According to the Arrest Report, the subject was traveling southbound on Bowmiller Road and passed by patrol officers while flashing his high beam lights at them. A traffic stop was initiated. Officers could smell a strong odor of alcohol emanating from the subject's mouth. Several field sobriety tests were attempted, however the subject refused to cooperate. Mr. Garlock was asked to submit three (3) times to a breathalyzer test, however each time he remained silent

RE: David Garlock

1:08M00040-005

stared straight ahead with a blank look on his face. The subject was placed under arrest and transported to the station where he was processed and released on \$250 bail. The subject's next Court appearance is 7/22/10.

Based upon the aforementioned information, it is recommended the offender's conditions be modified to include ninety (90) days of home detention, which will be monitored by an electronic monitoring system.

The Probation Office will closely monitor the defendant's conduct and immediately report any further incidents of noncompliance to the Court. The subject has readily agreed to this modification as indicated by the signature on the attached Probation Form 49.

Reviewed by:
Cleophus Weeks
Supervising U.S. Probation Officer

Respectfully submitted,
by Erin Beiter
Erin T. Beiter
U.S. Probation Officer Assistant
Date: July 15, 2010

THE COURT ORDERS:

- No Action
 The Extension of Supervision as Noted Above
 The Modification of Conditions as Noted Above
 Other

H. H. H.
Signature of Judicial Officer

July 19, 2010
Date

PROB 49

(Revised 11/98)

**United States District Court
Western District of New York**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You shall comply with the conditions of home detention, for a period of ninety (90) days. You shall wear (an) electronic monitoring device(s) and follow monitoring procedures specified by your probation officer as outlined in Probation Form 61. You shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

Witness: E.T.B.

Erin T. Beiter
U.S. Probation Officer Assistant

Signed: D.G.

David Garlock
Probationer

7-12-10
Date